

App. Serial No. 10/531,932
Docket No.: NL021045US

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Remarks

Claims 1-15 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited reference.

The non-final Office Action dated November 3, 2006 suggested a layout for the specification to include section headings, objected to claims 1 and 6 because of informalities, and indicated the potential allowability of claims 4-6 and 11 if rewritten in independent form. The following statutory rejections were also indicated: claims 1 and 14 stand rejected under 35 U.S.C. § 112(2); claims 1-3, 7-10, 12 and 14 stand rejected under 35 U.S.C. § 102(b) over Vaughn *et al.* (U.S. 5,703,531); and claims 13 and 15 stand rejected under 35 U.S.C. § 103(a) over Vaughn.

Applicant acknowledges and appreciates the indication of allowability of claims 4-6 and 11.

Applicant respectfully declines to add section headings to the specification because the indicated suggestions in 37 C.F.R. § 1.77(b) are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 C.F.R. § 1.51(d) are only guidelines that are suggested for applicant's use. They are not mandatory, and when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

"Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77."

In view of the above, Applicant prefers not to add section headings.

Regarding the objection to claims 1 and 6, Applicant has made minor amendments to the claims consistent with those proposed in the Office Action, and respectfully requests that the objections be removed.

Regarding the Section 112(2) rejections of claims 1 and 14, Applicant has amended claim 1 to recite "a predistortion unit" at line 16 and claim 14 has been

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amended to depend from claim 10 where antecedent basis for the claim limitation "the at least one phase control unit" can be found in line 3. Therefore, Applicant requests that the Section 112(2) rejections be withdrawn.

Applicant respectfully requests that the Section 102(b) rejections of claims 1-3, 7-10, 12 and 14 be removed because the cited portions of the Vaughn reference fail to correspond to all of the claimed limitations. Specifically, independent claims 1, 7 and 8 recite using at least one nonlinear branch-circuit to control a phase parameter and an amplitude parameter of a first one of the branched signals. The cited portions of the Vaughn reference teach dividing an input signal into a nonlinear portion with a 0° phase offset and a linear portion with a 180° phase offset (*see, e.g.*, Figure 1; col. 3, lines 32-50). The cited portions of Vaughn further teach that the linear portion has a 0° phase offset when it is combined with the linear portion with a 180° phase offset by combiner 40. The Vaughn reference does not teach or suggest controlling a phase parameter of a branched signal using a nonlinear branch-circuit as in the claimed invention. Therefore, the Vaughn reference does not perform any phase controlling of the nonlinear portion of the input signal (*e.g.*, the nonlinear portion has a 0° phase offset). Accordingly, the Section 102(b) rejections of claims 1, 7 and 8, as well as the rejections of claims 2-3 that depend from claim 1 and claims 9-10, 12 and 14 that depend from claim 8, are improper and Applicant requests that they be withdrawn.

Applicant traverses the Section 103(a) rejections of claims 13 and 15 because the portions of the Vaughn reference cited by the Office Action fail to correspond to all of the claimed limitations of claim 8 as discussed above relating to the Section 102(b) rejection of claim 8. In this regard the rejections of claims 13 and 15 are improper because these claims depend from claim 8 and thus necessarily include all of the limitations of claim 8. Therefore, Applicant requests that the rejections be withdrawn.

Applicant notes that minor amendments have been made to claims 1-14 to remove reference numerals and to improve readability between the claims with regard to the removal of the reference numerals.

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In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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